

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, JUNE 23, 2009**

MINUTE ORDER NO. 20

**SUBJECT: PROHIBITING MEDICAL MARIJUANA DISPENSARIES IN THE
UNINCORPORATED AREA (DISTRICTS: ALL)**

OVERVIEW:

Recently, the United States Supreme Court denied the County's petition requesting the Court to consider the County's lawsuit related to the conflict between federal and state law on the possession and use of marijuana for medical purposes. The sale and use of marijuana is illegal under Federal law for any purpose. However, marijuana use is allowed under State law when it is being used for certain medical purposes. Due to the Supreme Court's denial of the petition, the County will be issuing medical marijuana ID cards beginning July 2009. The purpose of the State law relating to identification cards is to allow qualified patients to apply for and receive medical marijuana identification cards.

The for-profit sale of medical marijuana is illegal. In an effort to protect unincorporated neighborhoods from the serious negative impacts which medical marijuana dispensaries may cause, action is needed to make certain that the County's Zoning Ordinance is clear regarding their establishment. The proliferation of these dispensaries is a threat to public safety, public health, and community character. Today's action will direct the Chief Administrative Officer to work with County Counsel to draft an ordinance for the Board's approval prohibiting medical marijuana dispensaries from operating within the unincorporated area.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

**CHAIRWOMAN JACOB, SUPERVISOR HORN, SHERIFF KOLENDER, AND
DISTRICT ATTORNEY DUMANIS**

Direct the Chief Administrative Officer to work with County Counsel to draft an ordinance amendment to the County's Zoning Ordinance prohibiting illegal medical marijuana dispensaries from operating within the unincorporated area of the County.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board took action as recommended.

AYES: Cox, Jacob, Slater-Price, Horn

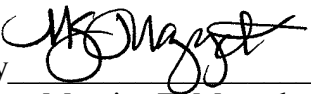
NOES: Roberts

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors



By 
Marvice E. Mazyck, Deputy